IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 17226 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE D.H.WAGHELA **Sd/-**

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ? **1 to 5 NO**

==========

RINA ASHISH ABHYANKAR - Petitioner(s)
Versus
REGIONAL PASSPORT OFFICE & 1 - Respondent(s)

==========

Appearance :
MR CK DIVAKARAN for Petitioner(s) : 1,
MR M.IQBAL A SHAIKH for Respondent(s) : 1,
DS AFF.NOT FILED (R) for Respondent(s) : 2,

==========

CORAM : HONOURABLE MR.JUSTICE D.H.WAGHELA

Date : 10/08/2007

ORAL JUDGMENT :

1. None present for the respondents. Learned counsel for the petitioner fairly conceded that, in the facts and circumstances of the case, an application in the prescribed form was required

to be submitted in accordance with Rule 5 of the Passport Rules, 1980 and, as and when such application were made, the passport authority was required to consider and decide the same in accordance with law after due enquiry, if necessary. It was also submitted that the respondents were required to accept and entertain such application in view of the general directions issued by this court in ***Gunvantiben D.Patel v. Union of India [AIR 2006 SC 154]***. Therefore, with a view to making an appropriate application along with additional information, documents and certificates, present petition was not pressed for any relief and sought to be withdrawn without prejudice to the rights and contentions of the petitioner. Accordingly, petition is disposed as not pressed at this stage with liberty to the petitioner to make appropriate application before the respondent, with the observation that such proposed application will be decided in accordance with law as expeditiously as practicable. Rule is discharged with no order as to cost. Direct service is permitted.

Sd/-

(D.H.Waghela, J.)

(KMG Thilake)